

Initially, it is noted that the Office Action was mailed to a firm that is no longer representing the Applicants. A Revocation of Power of Attorney and Appointment of New Attorneys was filed on October 22, 2001. It is requested that the Examiner ensure that any future correspondence be sent to the undersigned counsel. Any future requests in this regard will be made directly to the group director.

The Examiner has rejected claim 6 since there is allegedly insufficient antecedent basis for the term "the at least one slot" in line 2. However, the Examiner's attention is respectfully directed to claim 1, line 5, where antecedent basis for the "at least one slot" is provided. The Examiner's Action has additionally rejected claim 11 as being indefinite for failing to provide antecedent basis for "the at least one first slot". However, the Examiner's attention is respectfully directed to claim 7, line 6-8, where antecedent basis for this term is provided. It is submitted that the claims comply with all official provisions, and it is requested that these rejections be withdrawn.

The Examiner has rejected all of the claims as being anticipated by *Leman* (USP 6,261,104). It is submitted that these claims are patentably distinguishable over the cited reference for at least the following reasons.

It is well settled that a reference may anticipate a claim within the purview of 35 USC § 102 only if all the features and all the relationships recited in the claim are taught by the reference structure either by clear disclosure or under the principle of inherency.

Applicants' independent claim 1 is directed to a motherboard assembly which includes a motherboard complying with one of a FlexATX specification and a MicroATX specification. The Examiner's Action has stated that *Lemen* discloses this feature. However, the only place within the *Lemen* patent that the type of motherboard is discussed is in the Background of the Invention, where it is stated that in a low profile configuration, an NLX motherboard can be provided that slides into a chassis, with a riser card being attached directly to the chassis, and the motherboard being coupled to a slot of the riser card. The Background of the Invention further discloses that a drawback with this arrangement is that different riser card may be required for a low-profile chassis than that required for a full-form chassis, and still a different riser card may be required for ATX or NLX motherboards.

The Examiner's Action states that the disclosed ATX card can be any type of ATX card. However, it is unclear where the Examiner is finding support for this assertion. Applicants have been unable to find any type of disclosure from *Leman* that the ATX motherboard described in column 1, line 50, complies with either the Micro ATX specification or the Flex ATX specification, as required by Applicants' independent claim 1. Moreover, it is submitted that it is not inherent that this ATX motherboard complies with a Flex ATX specification or a Micro ATX specification. That is, an ATX specification is not generic to a Flex ATX or a Micro ATX specification, but is instead a separate and distinct specification. Moreover, even assuming *arguendo* that a Flex ATX specification and a Micro ATX specification motherboard are disclosed by the cited reference, it is noted

Examiner's Action is apparently combining the features disclosed within the Background of the Invention of *Lemen*, with the riser cards disclosed in the Detailed Description of the Invention of *Lemen*. Such combination of features is impermissible in establishing a *prima facie* case of anticipation.

Moreover, it is further noted that *Lemen* specifically discloses that the motherboard shown in the figures is perpendicular to the respective riser cards. That is, it is noted that, for example in Figure 1, the motherboard 20 is connected in a perpendicular manner to the riser card 30. Assuming that the motherboard 20 has either a Flex ATX specification or a Micro ATX specification, the attachment of the riser card 30 to this motherboard 20 does not cause this motherboard assembly to comply with a different specification than the motherboard itself, as recited by claim 1. Moreover, this reference discloses attaching various riser cards in an end-to-end relationship as shown in Figure 2. However, the reference specifically distinguishes between the riser cards 30 and the motherboard 20. Attaching two riser cards in an end-to-end relationship does not cause the motherboard 20 to comply with a different specification, as recited by Applicants' independent claim 1. Instead, and as previously mentioned, the attachment of the riser cards only allows the assembly to be utilized with either a low-profile chassis or a full-form chassis. The riser cards are not being utilized to change the dimensions of the motherboard for complying with other motherboard specifications, as recited by Applicants' independent claim 1.

As a side note, it is noted that the Examiner's Action states that the motherboard assembly of the cited reference complies with one of the Micro ATX

specification and an ATX specification when the motherboard complies with the Flex ATX specification, and complies with the ATX specification when the motherboard complies with the Micro ATX specification. However, the Examiner's Action does not point out where this disclosure can be found from the cited reference. It is presumed that the reason for the absence of such specificity is because the cited reference, in fact, does not disclose this feature.

It is further noted that the Examiner's Action states that the riser card 30a is capable of being a motherboard that complies with a Flex ATX specification and a Micro ATX specification. However, it is respectfully submitted that such capability is irrelevant in establishing a *prima facie* case of anticipation. Instead, the reference must either explicitly or inherently disclose such features.

Moreover, the cited reference is entirely silent on the configuration of the riser cards. As such, it is submitted that the Examiner's Action has failed to establish a *prima facie* case of anticipation against independent claim 1.

Moreover, regarding Applicants' independent claim 7, it is initially noted that the Examiner's Action has held the feature 30a as being a motherboard having a Flex ATX specification. However, the reference makes clear that the motherboard is the board 20, and that the card 30a is a riser card which is attached to the motherboard 20. Moreover, there is no disclosure or suggestion from the reference that the riser card 30a can have a Flex ATX specification. Moreover, there is no disclosure from this reference that the motherboard 20 can have a Flex ATX specification. Furthermore, there is no disclosure from this reference that when a first expansion board is connected to the motherboard, the

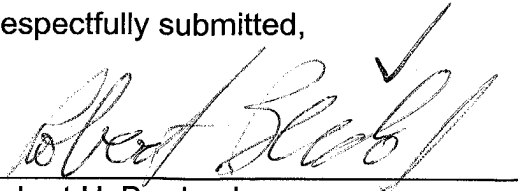
motherboard assembly has a Micro ATX specification, as recited by claim 7. Furthermore, there is no disclosure from the reference that when a second expansion board is connected to a first expansion board and the first expansion board is connected to the motherboard at the same time, the motherboard assembly has an ATX specification. In fact, as acknowledged by the Examiner's Action, the cited reference does not even show a second expansion board. If the reference does not show such second expansion board, then how can the reference possibly disclose the features recited within claim 7? For at least the foregoing reasons, it is submitted that the Examiner's Action has failed to establish a *prima facie* case of anticipation against independent claim 7.

Moreover, it is submitted that the claims dependent from independent claims 1 and 7 are patentably distinguishable over the cited reference for at least the same reasons as independent claims 1 or 7, from which these claims respectively depend, as well as for the additional features recited therein. It is thus requested that these rejections be withdrawn and that these claims be allowed.

It is submitted that this application is in condition for allowance. Such action, and the passing of this case to issue are requested.

Should the Examiner feel that a conference would help to expedite the prosecution of the application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Respectfully submitted,



August 20, 2002
Date

Robert H. Berdo, Jr.
Registration No. 38,075
Customer No. 23995
Telephone: 202-371-8976
Facsimile: 202-408-0924

RHB:crh